



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

OFFICE OF THE
REGIONAL ADMINISTRATOR

Lisa Reimers
Chief Executive Officer
Iliamna Development Corporation
3201 C Street, Suite 406
Anchorage, Alaska 99503

Dear Ms. Reimers:

I appreciate your concern that the Environmental Protection Agency (EPA) has not traveled to Iliamna to listen to the local community's concerns regarding the proposed Pebble Mine. I understand that you had invited EPA to attend a recent mining conference in Iliamna and EPA was unable to participate in this conference. Specifically, you wanted EPA to discuss Section 404(c) of the Clean Water Act (CWA). To date we have received many letters from people who have an interest in this issue. Some are requesting that EPA use its authority under Section 404(c) of the CWA to protect Bristol Bay and prevent the opening of the proposed mine. Others prefer any proposed mining project proceed through the federal and state permit processes before a CWA Section 404(c) action. We are interested in hearing all perspectives on this issue.

Congress created both the 404(c) process and the federal permitting process when it passed the Clean Water Act in 1972. The 404(c) process was created both as a check on the permitting process to ensure that aquatic resources that provide critically important economic and ecological functions are protected, and as a means for preventing the undue expense of engaging the permit process in places where aquatic resources are too important to risk.

EPA is currently evaluating information to make a determination as to whether protection of the Bristol Bay Watershed through a 404(c) process is in fact warranted. Please be aware that initiation of a 404(c) process is not a decision to prohibit mining at the proposed Pebble Mine site, but would be a commitment to explore the issue. EPA has not made a decision on what, if any, action to take at this time. Please be assured that any decision will be based on the best available science and modern mining practices. If we decide to begin a 404(c) process, EPA will also fulfill its obligation for government-to-government consultation with Federally-recognized tribal governments that might be affected by our actions. In addition, we will conduct a public process to provide an open opportunity for input and comment.

In addition to the potential 404(c) process, EPA Region 10 has had a commitment for the last several years to provide Mining Information sessions to tribal communities throughout Alaska; EPA will be traveling to Iliamna sometime this Spring or early Summer. This will be another opportunity for the local communities in the Lake Iliamna area to learn about EPA's role in the proposed Pebble Mine. If you would like additional information about this please contact, Tami Fordham, at (907) 271-1484.

If you have questions, concerns or wish to share additional information, please contact Mr. Richard Parkin, Acting Director for the Office of Ecosystems, Tribal and Public Affairs. Richard can be reached at (206) 553-8574.

Sincerely,

Dennis J. McLerran
Regional Administrator

Bcc Richard Parkin, Director Office of Ecosystems, Tribal and Public Affairs
Michael Szerlog, Aquatic Resources Unit
Sally Thomas, Tribal Trust and Assistance Unit
Patricia McGrath, Region 10 Mining Team Coordinator
Tami Fordham, Alaska Resource Extraction Tribal Policy Advisor